

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
DECEMBER 15, 2020 – 2:00 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

Michael Cleghorn, City Manager  
Tim Wilson, Interim City Attorney  
Traci Hushbeck, City Clerk  
COL Rhett A. Taylor, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Bill Shoemate, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One  
Keith Jackson, Ward Two  
Linda Chapman, Ward Three  
Jay Burk, Ward Four  
Allan Hampton, Ward Five  
Sean Fortenbaugh, Ward Six  
Onreka Johnson, Ward Seven  
Randy Warren, Ward Eight

ABSENT:

None

REPORTS: MAYOR/CITY COUNCIL

Burk reminded citizens that kids are still in school and they need to watch school zones. He also requested citizens buy local.

AUDIENCE PARTICIPATION:

Paul Greene, 806 NW 52<sup>nd</sup> Street, stated as a citizen he is forced to follow procedures, but the city council does not. They make up their own rules as they see fit.

CONSENT AGENDA:

Mayor Booker stated Mr. Jones has requested to speak on his claim on item #2 and the City Engineer will brief the council on item #11. He stated he has a request from Paul Greene to speak on items #5 and #14.

MOVED by Burk SECOND by Warren to approve the consent agenda with the exception of the Mark Jones claim on item #2 and item #11. AYE: Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Southwestern Bell Telephone, dba AT&T Oklahoma in the amount of \$1,077.69. Exhibits: Legal Opinion/Recommendation and **Resolution No. 20-137**.
2. Consider the following damage claims recommended for denial: Mark Jones in the amount of \$4,738.68 and Southwestern Bell Telephone, dba AT&T Oklahoma in the amount of \$3,327.99. Exhibits: Legal Opinion/Recommendations.

Kelea Fisher, Deputy City Attorney, briefed the council on the facts of the claim of Mark Jones. She stated she is recommending denial because the City did not have actual or constructive notice that there was a pothole that could cause damage and there is just not enough proof that was provided to show that this area actually caused the damage to his vehicle.

Mark Jones, 1217 NW Andrews Avenue, showed council members a photo of his vehicle and a photo of the street. He stated the hole was fixed two days after he filed a claim. He is only asking for reparations for his vehicle.

Fisher stated if the council is going to consider paying the claim, she asked that they let staff go back and account for depreciation. They do not know how much his vehicle or the rims are worth.

Burk stated that if the council denies the claim, Mr. Jones can file in district court. He does not want to set a precedence of paying claims when we have had no notification.

MOVED by Burk SECOND by Warren to deny the claim of Mark Jones in the amount of \$4,738.68. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Kory Tate. Exhibits: **Resolution No. 20-138**.
4. Consider approving an intergovernmental cooperative purchasing agreement by and between Sourcewell and the City of Lawton; and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Sourcewell Agreement.
5. Consider adopting a resolution amending the City of Lawton FY 20-21 budget, as amended, by appropriating \$529,445.00 from the CARES Act Federal Allocation into the CDBG-CV CARES Act Allocation account (Acct# 006-05226-P20-00-0231CARE). Exhibits: **Resolution No. 20-139**.

6. Consider approving a request to enter into a memorandum of understanding with the Cache Police Department and the City of Lawton authorizing the utilization of the Lawton Police Department's Training Facility to train their new officers in the Council of Law Enforcement and Training's Basic Academy (CLEET) which has been authorized by formal board action. Exhibits: Copy of the Memorandum of Understanding.
7. Consider approving the record plat for Darby's Addition, a Replat of Lot 1A, a Replat of Lot 1, of Willow Park Addition. Exhibits: Plat Map.
8. Consider approving the record plat for Alan's Subdivision, a Replat of Lots 7R, 8R, and 9R, a Replat of Block 18, Less and Except Lots 5 and 6, Eastlake Addition, Part 3A. Exhibits: Plat Map.
9. Consider approving the record plat for Eastlake Addition, Part 3C, and accepting the improvements, easements outside the platted area, and maintenance bonds. Exhibits: Plat Map. Maintenance Bonds and easement are on file in the City Clerk's Office.
10. Consider a donation certificate, a consent of owners right of entry, utility easement and a summary of acquisition with the Oklahoma Department of Transportation (ODOT) regarding JP# 30427 (05) and authorizing the Mayor and City Clerk to execute these documents. Exhibits: Documents are on file in the City Clerk's office.
11. Consider award of construction contract to MTZ Construction, Inc., for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-B - NW Carroll Drive, SW 26<sup>th</sup> Street, SW Cornell Avenue & NW 36<sup>th</sup> Street - Project #2017-07. Exhibits: Contract and Bid Tabulation.

Joe Painter, Engineering Director, briefed the council on the project. He stated MTZ was the low bidder at \$1,980,033.09. Staff is recommending they award the contract to MTZ Construction, Inc.

Mayor Booker stated he appreciates the acceleration we have had from engineering to bring these projects forward.

MOVED by Burk SECOND by Warren to award a construction contract to MTZ Construction, Inc., for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-B - NW Carroll Drive, SW 26<sup>th</sup> Street, SW Cornell Avenue & NW 36<sup>th</sup> Street - Project #2017-07. AYE: Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman. NAY: None. MOTION CARRIED.

12. Consider extending the requirement contract (CL19-010) Liquid Ammonium Sulfate with Chameleon Industries, Inc of Mesquite, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider extending contract (CL19-012) Pest Control Services (Basic Service) to Texoma Pest Management of Wichita Falls, TX, and Additional Items #1 & #2 to



Environmental Pest Control of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension sheets, Price Sheets.

14. Consider awarding contract (CL21-013) Heavy Equipment Service and Parts to C. L. Boyd Co. Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider extending and amending contract (RFPCL18-009) Copier Contract with High Tech Office Systems of Lawton, OK on a month-to-month basis and authorize the Mayor and City Clerk to execute documents necessary to effectuate said extension and amendment. Exhibits: Department Recommendation, Contract Extension Form, First Amendment to “Cost Per Image Agreement” and “Service Agreement”, Price Sheets.
16. Consider extending contract (RFPCL19-006) Rental or Lease Work Clothing to Unifirst of Wichita Falls, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

OLD BUSINESS ITEM:

17. Consider an Ordinance amending Section 16-5-1-546, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code 2015 by requiring those inside businesses and commercial entities and/or operators of other buildings or structures open to the public who accept visitors/customers to require employees to wear face coverings, providing for exceptions, establishing risk phase levels, modifying the penalty, providing for the suspension of certain provisions of this ordinance upon the occurrence of certain conditions, amending the sunset provision, providing for severability and declaring an emergency. Exhibits: Ordinance 20-\_\_.

Burk stated he would like to strike this item.

MOVED by Burk SECOND by Hankins to strike item #17. AYE: Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

18. Hold a public hearing to receive citizen comments, discuss recommendations from the City Planning Commission, and consider approving the Annual Action Plan Third Amendment for 2019 and allowing staff to proportion the allocation between the programs, and authorizing the Mayor and City Clerk to execute all documents necessary to implement the plan. Exhibits: None.

Christine James, Housing and Community Development Administrator, stated in November they were notified that as part of the third round of CARES Act allocations, the City of Lawton has been allocated an additional \$529,445.00. These CDBG-CV funds have been approved to fund a utility, rental, and mortgage assistance programs. The budget amendment is required to adjust the general ledger to show an increase in the CDBG budget for fiscal year 2020-2021.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk SECOND by Hampton to approve the Annual Action Plan Third Amendment for 2019 and allow staff to proportion the allocation between the programs, and authorize the Mayor and City Clerk to execute all documents necessary to implement the plan. AYE: Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton. NAY: None. MOTION CARRIED.

19. Consider an ordinance amending Section 6-1-5-182 Chapter 6, Lawton City Code, 2015, by amending the distance that the fence shall be from the public right-of-way or sidewalk; providing for severability; and establishing an effective date. Exhibits: Ordinance 20-\_\_.

Charlotte Brown, Planning & Subdivision Administrator, stated on November 10, 2020, Council approved an ordinance allowing electrical fencing to be installed within the C-5 General Commercial District and all Industrial Districts. After the ordinance was adopted, the determination was made that the separation from the public street right-of-way or sidewalk may be too much. This ordinance changes that requirement to be only one foot from the public right-of-way or sidewalk if the perimeter fence is six feet or taller in height. If the perimeter fence is under six feet in height, the electrical fencing shall be a minimum of three and a half feet from the public right-of-way or sidewalk.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 20-31**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-31

An ordinance pertaining to building, construction and housing by amending Section 6-1-5-182, Chapter 6, Lawton City Code, 2015, by amending the distance that the electrical fencing can be from the public street right-of-way or sidewalk; providing for severability; and establishing an effective date.

ADDENDUM:

1. Consider approving a Covenant Agreement with the Lawton Economic Development Authority regarding a payment in lieu of ad valorem property taxes for the property known as the Central Mall, said approval being subject to the City acquiring Central Mall, and upon such acquisition of Central Mall, authorized the Mayor Pro Tem to execute the Covenant Agreement. Exhibits: Covenant Agreement on file in City Clerk's Office.

Burk stated this would be a way to still capture ad valorem taxes for the property inside Central Mall. Each business in the mall would pay their portion of that tax each year so the schools or the TIF District would not be harmed. Right now they just need to get this done so we can move



forward and have this in place so when they do lease tenants, they will understand that is how they will pay that tax.

MOVED by Burk SECOND by Warren subject to the City acquiring Central Mall, approve a Covenant Agreement with the Lawton Economic Development Authority regarding a payment in lieu of ad valorem property taxes for the property known as the Central Mall and, subject to the City's acquisition of Central Mall, authorize the Mayor Pro Tem to execute the Covenant Agreement. AYE: Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

#### STAFF REPORTS:

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending November 30, 2019. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 2:35 p.m. and reconvened in regular, open session at 3:33 p.m. Roll call reflected all members present.

#### EXECUTIVE SESSION ITEMS:

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Jonathan Crouse, Kelly Crouse, K.D.C, M.G.C, P.A.C., v. City of Lawton, CJ-2017-695, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #20.

MOVED by Hampton SECOND by Warren to approve **Resolution No. 20-140** authorizing the City Attorney to enter into an economic settlement agreement in the District Court of Comanche County, State of Oklahoma, for the sum of \$40,000 as settlement of the lawsuit styled: JONATHAN CROUSE, KELLY CROUSE, K.D.C.M.G.C.P.A.C., v. CITY OF LAWTON, CJ-2017-695, and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the court's approval. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on October 3, 2019 in relation to discharges at the City's Wastewater Treatment Plant from July 2017 through August 2019, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #21.

MOVED by Fortenbaugh SECOND by Hampton to appoint Councilperson Burk and Councilperson Warren as council's representatives to attend settlement negotiations with staff with ODEQ concerning the notice of violation. AYE: Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 3:36 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK